

and so it is with heartfelt thanks that I thank the gentleman, the ranking member of the committee, as well as all of my colleagues for their tremendous support so that our stewardship of this committee could indeed be one in which we could be proud.

Mr. GEORGE MILLER of California. Mr. Speaker, the decline of estuary habitats—especially in the San Francisco Bay estuary—has been well-documented in the scientific and resource management literature for over 30 years. Tragically, San Francisco Bay has lost over 95% of its tidal wetlands and continues to be besieged by invasive and aquatic nuisance species.

Fortunately, S. 835, the Estuaries and Clean Water Act, will provide a reasonable, balanced approach to both preserve remaining estuarine habitats and to facilitate effective, locally-driven estuary restoration in estuaries like San Pablo Bay and Suisun Bay in my district.

I am particularly pleased that non-governmental organizations (NGOs) will be eligible to participate in this new program. NGOs, such as Save the Bay and The Bay Institute in the Bay Area, embody the locally driven focus of this legislation and provide local expertise and support.

Amendments agreed to in conference also enhance the role of the Estuary Habitat Restoration Council in the selection of projects and the delegation of oversight responsibilities for project implementation. This will bring additional expertise and provide direct ties to other successful Federal-State partnership programs for protecting the estuaries, such as the National Estuary Program, the National Estuarine Research Reserve Program, and the National Marine Fisheries Service's Fishery Habitat Restoration program.

This conference report is good environmental legislation and I encourage my colleagues on both sides of the aisle to support its passage.

Ms. DELAURO. Mr. Speaker, I strongly support the Conference Report on Estuaries and Clean Waters Act. This bill provides critical relief to the Long Island Sound and estuaries across the country.

Estuaries are an integral part of our environment, as well as our economy. They give life to and provide a habitat for many important species, they naturally cleanse our water, they provide protection against floods and storm damage, and serve as a playground for children and families during the summer months. The health of our nation's estuaries are critical to the protection of our natural heritage, and to those who make their lives off these waters.

The Long Island Sound, in particular, is one of the most complex estuaries in the country—10 percent of the U.S. population lives within 50 miles of the Sound and millions more flock to it for recreation every year. It brings in more than \$5 billion annually to the regional economy from various activities—all of which require clean water.

However, these natural jewels are in danger of being lost forever. Estuaries are suffering from severe water quality problems, declining habitat quality, and, in some areas, total habitat loss. More than 50 percent of wetlands in coastal states have been destroyed—an amount equal in size to six Grand Canyons.

If you don't want to take my word on how important an estuary can be to our communities and our economy, I invite you to visit

with the lobstermen in my district. Walk the docks with them, and listen to their stories. We are suffering a massive lobster die-off in the Long Island Sounds that has virtually wiped out an industry. While we are still searching for the specific cause of the die-off, we do know that a safer, cleaner Sound would mean that incidents like this would be less likely to occur in the future.

This bill provides a sensible approach to a problem that has plagued efforts to clean up our estuaries—the lack of a reliable, steady funding source for implementing conservation and management plans. Cleaning up estuaries cannot be piecemeal effort. This conference report takes a step in the right direction by authorizing the Long Island Sound Program at \$200 million over five years—a significant increase over the \$3 million a year it currently receives. It takes a comprehensive approach to fix such a complex problem.

That is why I have fought alongside Nita Lowey to pass the Water Pollution Control and Estuary Restoration Act, which we first introduced nearly eight years ago, and which we fought for again in the current Congress. I want to thank all of my colleagues that have supported this effort over the years, especially my colleagues from Connecticut and New York, who have worked together to bring relief to the Sound. Thank you for working together on a bipartisan approach to fixing a non-partisan problem.

We have an obligation to protect and preserve the Sound for future generations. It is the right thing to do for our children and for our economy, and for men and women—like the Long Island Sound's lobstermen that are still struggling to stay afloat. I urge the House to pass this important legislation.

Mr. SHAYS. Mr. Speaker, I rise today in strong support of S. 835, the Estuary Habitat and Chesapeake Bay Restoration Act.

I would like to thank Mr. GILCHREST for all his efforts in bringing this bill forward.

I am thrilled that we are recognizing the critical importance of estuaries—the diverse, thriving habitats where fresh and salt water mix—and that this legislation will strengthen the all-important partnerships between federal, state, and local interests for estuary habitat restoration.

As a co-chair with NITA LOWEY of the Long Island Sound Caucus, I am particularly pleased that this legislation includes a title on Long Island Sound Restoration.

All of us who live in the Long Island Sound region owe a debt of gratitude to NANCY JOHNSON, and RICK LAZIO for their sponsorship and stewardship of the Long Island Sound Restoration Act.

Republicans and Democrats alike have worked for years on the ongoing local-state-federal effort to restore the Sound, and know just how important this important body of water is.

The Sound contributed over \$5.5 billion to our regions economy in 1994—and obviously contributes even more today—through water-dependent activities such as commercial and recreational fishing, boating, and tourism.

The \$40 million annual authorization for the Sound in this legislation will make it possible to continue the progress begun six years ago when New York and Connecticut first signed the Comprehensive Conservation and Management Plan (CCMP) for Long Island Sound, which in itself was the culmination of 10 years of effort.

Since the implementation of the CCMP, our states have spent an extraordinary amount on Long Island Sound. The federal government has played a small, though vital role.

Today we have the opportunity to back up the promise of the CCMP with a commitment to fund Long Island Sound restoration in line with the Sound's place as the center of a watershed region encompassing 8 million people, with over 15 million living within 50 miles of the Sound's shores.

This is truly an estuary of national significance and one which deserves the support of this body. I urge my colleague to vote for this excellent bill.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 835.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I would ask the gentleman from North Carolina (Mr. COBLE) to explain the procedure and what he is offering.

Mr. COBLE. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, the purpose of the request is to take S. 2915, which improves the Federal Court System by improving its administration and procedures, eliminating operational inefficiencies, and reducing operating expenses, and not to pass the whole bill but to offer an amendment which will make technical corrections, strike section 103, and make modifications to section 309.

Section 103, which I propose to strike, provides that retirement funds contributed by the judiciary be transferred back to the judiciary, which judges for whom the contributions were made elected to transfer to another retirement system.

The amendment also makes modifications in section 309 which deals with insurance programs relating to judges of the Court of Federal Claims.

This amendment is noncontroversial.

Mr. SCOTT. Mr. Speaker, with that explanation, I support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2915

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Courts Improvement Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

#### Sec. 1. Short title and table of contents.

##### TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy fees.

##### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 202. Magistrate judge contempt authority.

Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 204. Savings and loan data reporting requirements.

Sec. 205. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

##### TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 311. Employment of personal assistants for handicapped employees.

Sec. 312. Mandatory retirement age for Director of the Federal Judicial Center.

Sec. 313. Reauthorization of certain Supreme Court Police authority.

#### TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

#### TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

##### TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

#### SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking “equipment” each place it appears and inserting “resources”;

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking “Judiciary” each place it appears and inserting “judiciary”;

(B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”; and

(C) by striking “under (c)(1)(B)” and inserting “under subsection (c)(1)(B)”.

#### SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

#### SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

“(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor’s

Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.”

#### SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking “\$300” and inserting “equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title”.

#### SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking “\$400” and inserting “the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)”.

#### SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

“(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.”

##### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

#### SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after “Commonwealth of Puerto Rico,” the following: “the Territory of Guam, the Commonwealth of the Northern Mariana Islands.”.

#### SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

“(e) CONTEMPT AUTHORITY.—

“(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

“(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the

power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

"(3) **ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.**—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) **CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.**—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) **CRIMINAL CONTEMPT PENALTIES.**—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) **CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.**—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

"(iii) the act constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) **APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.**—The appeal of an order of contempt under this subsection shall be

made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court."

**SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.**

(a) **AMENDMENTS TO TITLE 18.**—

(1) **PETTY OFFENSE CASES.**—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) **CASES INVOLVING JUVENILES.**—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) **AMENDMENTS TO TITLE 28.**—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented."

**SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.**

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

**SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C)."; and

(2) in paragraph (5) by striking "retirement," and inserting "retirement under section 371(a) or 372(a) of this title,".

**SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.**

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting "471," after "sections".

**SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.**

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

**SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.**

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

**SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.**

(a) **AMENDMENT.**—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Re-

lated Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

(b) **APPLICATION OF AMENDMENT.**—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

**SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.**

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "\$3,500" and inserting "\$5,200"; and

(B) by striking "\$1,000" and inserting "\$1,500";

(2) in the second sentence by striking "\$2,500" and inserting "\$3,700";

(3) in the third sentence—

(A) by striking "\$750" and inserting "\$1,200"; and

(B) by striking "\$2,500" and inserting "\$3,900";

(4) by inserting after the second sentence the following: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "\$750" and inserting "\$1,200".

**SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.**

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting "Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph."

**TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS**

**SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.**

(a) **DIRECTOR OF ADMINISTRATIVE OFFICE.**—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

#### **SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.**

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after "title 5," and inserting "except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).".

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

#### **SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.**

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: "except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

#### **SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.**

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

##### **"§ 613. Disbursing and certifying officers**

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b)."

##### **"(b) CERTIFYING OFFICERS.—**

"(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"613. Disbursing and certifying officers."

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;"

#### **SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.**

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "or the clerk under supervision of the court if the court's jury selection plan so authorizes," after "jury commission,"; and

(2) in subsection (b) by inserting "or the clerk if the court's jury selection plan so provides," after "may provide,".

#### **SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.**

Section 332 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of

the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive."

#### **SEC. 307. RESIDENCE OF RETIRED JUDGES.**

Section 175 of title 28, United States Code, is amended by adding at the end the following:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title."

#### **SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.**

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section."

#### **SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.**

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

##### **"§ 179. Personnel application and insurance programs**

"(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

"(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(1) is retired under section 178 of this title; and

"(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge, shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

"(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or

who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

"179. Personnel application and insurance programs."

**SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.**

Section 551(a) of title 5, United States Code, is amended in the first sentence by striking "or elects" and inserting ", is transferred to a position described under section 6301(2)(xiii) of this title, or elects".

**SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.**

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(C) an office, agency, or other establishment in the judicial branch;"

**SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.**

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking "subsection (b)" and inserting "subsection (a)"; and

(2) in paragraph (2)(D) by striking "subsection (c) or (d)" and inserting "subsection (b) or (c)".

**SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.**

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking "2000" and inserting "2004".

**TITLE IV—FEDERAL PUBLIC DEFENDERS**

**SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: ", and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18."

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.**

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking " , whichever occurs first".

**SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.**

Section 117 of title 28, United States Code, is amended by striking "Eugene" and inserting "Eugene or Springfield".

AMENDMENTS OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. COBLE:

Strike section 103 and redesignate the remaining sections accordingly.

In section 636(e)(6) of title 28, United States Code, as inserted by section 202 of the bill, strike the semicolons in subparagraph (A) and in clauses (i) and (ii) of subparagraph (B) and insert commas.

In section 179 of title 28, United States Code, as inserted by section 309(a) of the bill, strike subsection (b) and insert the following:

"(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(i) is retired under subsection (b) of section 178 of this title, and

"(ii) at the time of becoming such a retired judge—

"(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

"(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

"(B) Except as provided in subparagraph (C)—

"(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

"(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

"(I) beginning on the date on which eligibility would otherwise cease, and

"(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

"(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

"(i) subparagraph (B)(i) shall be applied by substituting 'the expiration of the term of office of the judge' for the matter following 'before'; and

"(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

"(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of

the next full open enrollment period beginning after the date on which the term expires.

"(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

"(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1) on the last day of such period; and

"(B) the provisions of paragraph (1) shall cease to apply.

"(3) For purposes of this subsection, the term 'open enrollment period' refers to a period described in section 8905(g)(1) of title 5.

In section 310, strike "6301(2)(xiii)" and insert "6301(2)(B)(xiii)".

In section 501, strike paragraphs (1) and (2) and insert the following:

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first,"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II)—

(I) by striking "October 1, 2003, or"; and

(II) by striking " , whichever occurs first"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "October 1, 2003, or"; and

(ii) by striking " , whichever occurs first".

Amend the table of contents accordingly.

Mr. COBLE (during the reading). Mr.

Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from North Carolina (Mr. COBLE).

The amendments were agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000**

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2413) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I ask the distinguished gentleman from Arkansas (Mr. HUTCHINSON) to explain the purpose of his request.